IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 21810 of 2006(U)

AGAINST THE ORDER IN EA.169/01 IN EP.75/01 IN OS.203/1999 of MUNSIFF COURT, MAVELIKKARA

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PETITIONER:

SAM K.VARKEY, AGED 46 YEARS,
S/O. I.VARKEY, KOTHATTU VADAKKATHIL HOUSE,
CHERUKOLE MURI,CHENNITHALA VILLAGE,ALAPPUZHA DIST.

BY ADV. SRI.M.A.ABDUL HAKHIM

RESPONDENTS:

K.M. JOY,
KATTOOR HOUSE, KIZHAKKEVAZHI MURI,
THRIPPERUMTHURA VILLAGE.

BY ADV. SRI.G.ANANTHANARAYANAN
SRI.B.RAJEEV KOYICKAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Photostat copy of the order in E.A.No.169/01 in E.P.75/01 in O.S.203/99 of the Munsiff's Court, Mavellikkara.

Ext.P2: Photostat copy of the order in E.P.No.75/01 in O.S.203/99 of the Munsiff's Court, Mavelikkara.

// True copy //

P.A. to Judge

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K.P.BALACHANDRAN, J.

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W.P.(C)NO.21810 OF 2006

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Dated this the 14th day of March 2007

JUDGMENT

Counsel for the petitioner submits that the petitioner is prepared to discharge the entire balance debt by making payment at the rate of Rs.2,500/- per month beginning with 15th April 2007. Counsel for the decree holder also is agreeable to that course.

In the result, I dispose of this writ petition setting aside Ext.P2 order and directing the petitioner to discharge the balance debt in monthly instalments of Rs.2,500/- beginning with 15th April 2007. In case of default in payment of any one of the instalments on the due date, the entire balance amount shall become recoverable forthwith and the decree holder shall be entitled to proceed with execution.

K.P.BALACHANDRAN, JUDGE

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